Home (1949) Department

MS SERIES.

G.O. No. 4771
Dated 30 4 49

Despatch Abstract

No. F.30-19/48.Pak.II
GOVERNMENT OF INDIA
Ministry of External Affairs.

New Delhi, the 17th November 1949.

From

Prem Krishen, Esq., I.C.S.,
Deputy Secretary to the Government of India

To

All Provincial Governments

Sub: EXTRADITION of fugitive offenders from Pakistan to India and vice versa - Procedure for the extradition of fugitive offenders who are undergoing trial or imprisonment.

Sir,

I am directed to refer to this Ministry's letter No. F.23-1/47.O.C.V.(Pak) dated the 10th March 1948, on the subject of procedure of extradition of fugitive offenders from Pakistan to India and vice versa - under the Figitive Offenders Act, 1881 (copy enclosed) and to say that it has been agreed between the Governments of India and Pakistan that in a case where a request is made by one Dominion for the extradition of a fugitive offender who has been accused of an offence not being the offence for which his surrender is asked, or who is undergoing sentence under any conviction in the other Dominion, the offender should not be surrendered until after he has been discharged whether by acquittal or on expiration of sentence or otherwise.

Yours faithfully,

PREM KRISHEN
Deputy Secretary.

Copy of Government of India, Ministry of External Affairs and Commerwealth Relations, Letter No. F.23-1/47-P.S.V (PAK) dated New Delhi, the 10th March 1948.

Sub: EXTRADITION OF FIGITIVE OFFENDERS FROM PAKISTAN TO INDIA and vice versa under the Figitive Offenders Act, 1881 - Procedure.

I am directed to say that the Government of India are advised that extradition of offenders as between the Dominions of India and Pakistan, which form part of His Majesty's Dominions, will be regulated by Part I of the Figitive Offender's Act of 1881 read with Section 19 of the Indian ExtraditionAct, 1903, which by virtue of an Order-in-Council dated the 7th March 1904 is to be recognised, and given effect to, throughout His Majestry's Dominions, as if it were a part of the Figitive Offenders' Act of 1881. The following procedure for the extradition of figitive offenders afrom Pakistan to India should accordingly be followed.

The Provincial Government should send to the Government of India for transmission to the Central Government of Pakistan, warrants with duly authenticated copies of depositions and other documents on which they rely to prove that there is a strong and probable presumption that the figitive committed the offence mentioned in the warrant. The depositions, warrants and documents should be ahtneiticated in the manner provided in Section 29 of the Fugitive Offenders' Act, 1881. The Government of Pakistan, on being satisfied that the warrant has been issued by some person having lawful authority to issue it, will then take action under the Act. After the completion of proceedings the Pakistan Government may then order that the fugitive offender be conveyed and produced before the Court in India which issued the original warrant.

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The procedure prescribed above should be observed by Indian Provincial

*** The Govts. of Pakistan have agreed to the procedure outlined above and are issuing similar instructions to the Provincial Govts. in Pakistan in this regard.

Governments in respect of warrants received from Pakistan through this Ministry.

I have the honour to be,
Sir,
Your most obedient servant,

T.B. CROSSLEY
Deputy Secretary.

GOVERNMENT OF MADRAS
Abstract
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EXTRADITION - Fugitive Offenders from India to Pakistan and vice versa - Procedure for extradition of fugitives undergoing trial or imprisonment - Letter from the Government of India - Communicated

Home Department.

G.O. (Ms) No. 4771. Dated, the 30th November

READ - the following:-

G.O. No. 1220 Home dated the 1st April 1948
G.O. No. 1300 Home dated the 8th April 1948
G.O. No. 3773 Home dated the 16th September 1949
From the Government of India, Ministry of External Affairs, F.30-19/48-Pak-II dated the 17th November 1949.

ORDER:

Communicated to the Chief Presidency Magistrate, Madras, District Magistrate (Judicial), Vellore, all Bther District Magistrates and Additional District Magistrates (Independent), Chingleput and North Arcot.

(By order of His Excellency the Governor)

O. PULLA REDDY
Secretary to Government.

To the Chief Presidency Magistrate.
To the District Magistrates (Judicial), Vellore.
To the Additional District Magistrates (Indepentn) Chingleput and North Arcot.
To all other District Magistrates.
Copy to the Inspector-General of Registration, Madras.
Copy to the Registrar, High Court, Madras.

/True copy/

Office Assistant,
Madras Record Office, Egmore.

Sk.

KG
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